

Board of Zoning & Appeals
MINUTES
(Via Tele-Conference)
June 3, 2020

MEMBERS PRESENT: John Kester, Ede Graves, Brenda Bessinger, Johnny Wilson, & Sandra Quinn

MEMBERS ABSENT: James Dozier

OTHERS PRESENT: Matt Millwood & Debra Grant

- I. Call to Order**
- II. Public Hearing: None**
- III. Approval of Minutes for May 6, 2020;** Ms. Graves made a motion to approve the minutes as submitted, seconded by Ms. Bessinger; the motion carried 5 to 0 by a roll call vote.
- IV. Variance Request**

V#20-06 **Mr. Richard Hall Jr.**, property owner of 1021 Duke Street (TMS# 05-0027-189-00-00), is requesting a variance to Section 903 (Setback Exceptions) of the City of Georgetown Zoning Ordinance. **Matt Millwood/City Staff** told the Board that Mr. Hall owns the property located at 1021 Duke Street, and has a historic house on that property, he wants to erect an accessory structure on the back portion of his lot, his desire is to get this accessory structure as close to the rear property line as possible. The zoning ordinance Article IX; Section 903 (Setback Exceptions) allows 5 ft. setback for the rear property line, the owner is asking for a variance of 4 ft., putting the structure 1 foot from the rear property line. In most cases that would be a bad situation for neighbors, however in this case Mr. Hall and his wife owns the property directly behind the subject property. Matt referenced page 9 of the packet that shows "Lot A (Katherine Hall) & Lot B (Richard Hall)". The back lot is landlocked and the staff did require them to get a new plat (page 9 of the packet). Matt said page 10 of the packet is the new proposed site plan, showing the building that the owner would like to build (building B), it is a two story building, that will be 600 sq. ft. (footprint). **Mr. Raymond Owens/Representative** said he is the proposed designer and builder for this project, and is representing Mr. and Mrs. Hall because neither one of them could attend. Mr. Owens said he remodeled the historic home on the property and now the owner wants him to begin the next project, which is the construction of the accessory building in the rear. Mr. Owens stated that the ARB has given their approval for the design of the building, however the owner is concerned about parking and the distance between the current house and the proposed building. Because there is nothing on Lot A, and both lots are owned by the same couple, they would like to provide parking for the accessory building. **Mr. Kester** said the scope of this application does not have anything to do with the back lot (Lot A), because the 2 properties are listed in different names, and should be considered 2 different owners. Mr. Kester said he looked at the plans and asked Mr. Owens if this was a house. **Mr. Owens** yes, it will be a small 2 bedroom house. **Mr. Kester** said the plans show it will have 2 bedrooms, 2 full baths, full kitchen, laundry room, and a family room, totaling 851 heated sq. ft. He asked Mr. Owens if the request was for a 4 ft. variance, which would have the structure 1 ft. from the property line. **Mr. Owens** said that is correct. **Mr. Kester** said in reading the application, the owner says the reason for the

variance is to “provide a feeling of greater spaciousness, provide additional landscaping and increase parking,” Mr. Kester asked if that was the reason for the request. **Mr. Owens** said yes those reasons and to put more space between the two buildings. **Mr. Kester** said he realizes that Mr. Hall wants to move the building back, however there are State Laws that have to be met:

1. **The application of the ordinance will result in unnecessary hardship?** The reasons the owner gave, although maybe desirable to him, is does not create an unnecessary hardship.
2. **Are there extraordinary and exceptional conditions pertaining to the particular piece of property?** Mr. Kester said his answer to that is no, the lot is 52 ft. wide and 144 ft. long and that is typical for the area, and it does not meet the criteria, therefore there are no extraordinary or exceptional condition pertaining to this property.
3. **The application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property?** Mr. Kester said in his view it would not, because the applicant can build the accessory structure that he designed on the property without getting a variance. It would be nice if he could move it back, but it would not restrict him from building the building.
4. **Mr. Kester said “the authorization of the variance will be of substantial detriment to the adjacent property”,** even though the adjacent property is now owned by Mr. Hall’s wife, it will not always be owned by her and that allowing a 1 ft. setback to the back property line would be a detriment to any future owner. It will also not allow room for the City Fire Department to access that rear property, or provide room for maintenance to the structure. For these reasons, a variance cannot be justified, since they do not meet any of the criteria.

Ms. Quinn asked how many parking spaces the applicant wants between the two structures and how many are required. **Matt Millwood/City Staff** said for a residential single family dwelling, which would be the house in the front, 2 parking spaces are required, the accessory structure is for the home owners use and not to be rented out for money, so it does not technically require parking spaces. Matt said if this was a multi-family or duplex then it would be required to have 2 spaces per unit. **Ms. Quinn** asked the applicant how many parking spaces were needed and how many vehicles they planned to park between the structures. **Mr. Owens** said they would like at least 2 spaces for the front house, so they won’t have to park on the street and 1 or 2 spaces for the accessory building. **Ms. Quinn** asked if they only had 2 parking spaces if they could position the vehicles between the 2 buildings and not need a variance. **Mr. Owens** said there are currently 2 spaces there now, and there might be the option of using the front of the building next to the driveway as a parking space. Mr. Owens said there is an air condition unit in the rear of the main house that encroaches in the yard. **Matt Millwood** said from a zoning prospective, in looking at the measurements on the plat there should be enough room for 3 parking spaces. **Mr. Owens** said that would be enough, however the HVAC unit takes away from the area. **Matt** said he did not take the HVAC unit into consideration. **Ms. Graves** asked if this had already been approved by ARB. **Matt** said when Mr. Owens initially brought the plans to the City Staff it did not encroach on the rear setback, so it met all of the zoning regulations and he was told to get ARB approvals. The City’s process is to get BZA approvals before going to ARB,

however they did not ask to move it back until after going to ARB. **Ms. Graves** had concerns about the accessory dwelling definition listed in the zoning ordinance, she said the definition says the structure should not be more than 600 sq. ft., she said perhaps it should say “600 sq. ft. footprint”, and asked that Matt make a note of this. **Matt** said the City zoning department has always done 600 sq. ft. footprint, however he would make a note of this and said perhaps there needs to be a text amendment to that definition. **Ms. Graves** said that definition should be clearer because it could be misleading, she also asked about the elevation of the structure. **Matt** said the structure is not located in a flood zone and the flood elevations were not needed. **Ms. Bessinger** asked Mr. Owens what the wooden fence in the rear yard was for and asked if it would be against the new proposed house. **Mr. Owens** said the fence is at the back of lot “A”. **Ms. Bessinger** said she did not understand how the new structure could fit in that area, and she feels the new house will be taller than the main house, and didn’t feel she could vote to approve that.

Motion: Ms. Graves made a motion to deny the request to allow a 4 ft. variance on the rear property line, seconded by Ms. Bessinger; the motion carried 5 to 0 by a roll call vote.

V. **Discussion: None**

VI. **Adjournment:** With there being no further business the meeting was adjourned.